

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>TOSHIBA INTERNATIONAL CORPORATION,</b>	§
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	§
<b>PLAINTIFF,</b>	§
v.	§
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	§
	No. 4:19-cv-04274
<b>ABRAHAM JOSEPH, an individual, ONEPOINT, INC., RUDOLPH CULP, as independent administrator of the ESTATE OF PABLO D'AGOSTINO, PD RENTALS, LLC, JANUARY 22 1992, LLC, VINOD VEMPARALA, an individual, V2V SOLUTIONS, LLC, and CHETAN VYAS, an individual,</b>	§
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	JURY TRIAL DEMANDED
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<b>DEFENDANTS.</b>	§
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**PLAINTIFF'S OPPOSITION TO  
D'AGOSTINO DEFENDANTS' MOTION TO COMPEL AS MOOT**

On November 9, 2020, Defendants Rudolph Culp, independent administrator of the Estate of Pablo D'Agostino, PD Rentals, LLC, and January 22 1992, LLC (collectively the “D’Agostino Defendants”) filed a Motion to Compel Toshiba International Corporation (“TIC”) to produce an updated privilege log and a copy of the settlement agreement between the Kalaga Defendants and TIC. ECF No. 335. On November 12, 2020, following an agreement with counsel for all Parties, the

D'Agostino Defendants filed a supplemental proposed order on November 12, 2020, permitting production of the settlement agreement between TIC and the Kalaga Defendants. ECF No. 338. Magistrate Judge Bray held a status conference on this Motion and supplemental proposed order on November 17, 2020. Minute Entry, ECF No. 343. Following the status conference, Magistrate Judge Bray issued the supplemental proposed order regarding the settlement agreement (ECF No. 344), and TIC produced the agreement on November 19, 2020.

On November 30, 2020, TIC produced to the D'Agostino Defendants a supplemental privilege log. Following these two productions, the D'Agostino Defendants confirmed that their Motion to Compel is now moot. *See Ex. A* (e-mail between Samuel J. Sharp and Sanford L. Dow). For the foregoing reasons, TIC respectfully requests that the Motion to Compel be denied as moot.

Dated: November 30, 2020

**WHITE & CASE LLP**

By: /s/ Michael Rodgers

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*Counsel to Toshiba International Corporation*

## CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2020, I caused to be electronically filed Plaintiff's Opposition to D'Agostino Defendants' Motion to Compel as Moot with the Clerk of the Court using the CM/ECF system, which will send notifications of filings to all counsel of record, and will be sent via e-mail to Vinod Vemparala.

Respectfully submitted,

**WHITE & CASE LLP**

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